

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-41 are currently pending, Claims 1-41 having been amended. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on Figs. 11-15; page 23, lines 3-13; and page 26, line 18 to page 27, line 3.

In the outstanding Office Action, Claims 1-41 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite; Claims 1, 30, and 41 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; Claims 1-11 and 30-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Araki et al. (U.S. Patent No. 6,014,696, hereafter “Araki”) in view of Inohara et al. (U.S. Patent No. 6,256,747, hereafter “Inohara”); and Claims 12-29 were rejected under 35 U.S.C. §102(b) as being anticipated by Araki.

With respect to the rejection of Claims 1-41 under 35 U.S.C. §112, second paragraph, Applicants respectfully submit that the amendments to claims, deleting the “step” language, overcomes this ground of rejection.

With respect to the rejection of Claims 1 and 30 under 35 U.S.C. §101, Applicants respectfully traverse this ground of rejection. The Office Action takes the position that Claims 1 and 30 “do not produce any results” (see Office Action, at page 2). However, the Office Action has not stated which test it is relying on for determining if Claim 1 is statutory under 35 U.S.C. §101. Applicants note that the Federal Circuit Court recently clarified that the principal test for making sure a claimed process is patent-eligible under 35 U.S.C. §101 is if (1) it is tied to a particular machine or apparatus, or (2) if it transforms a particular article into a different state or thing. See *In Re Bilski*, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008). Applicants submit that amended Claim 1 recites a method which is clearly tied to a

particular machine or apparatus (for example, the “terminal unit” or the “page data providing apparatus”).

Furthermore, Claim 30 recites “a page data providing *apparatus*.” Applicants submit that the Office Action has not shown any reason why the apparatus of Claim 30 is non-statutory, and Applicants submit that an “apparatus” clearly falls within a statutory class of invention under 35 U.S.C. §101.

Therefore, Applicants respectfully submit that the rejections to Claims 1 and 30 under 35 U.S.C. §101 must be withdrawn.

With respect to the rejection of Claim 41 under 35 U.S.C. §101, Applicants respectfully submit that the amendment to Claim 41, reciting a statutory “computer readable storage medium,” overcomes this ground of rejection.

With respect to the rejection to Claim 1 under 35 U.S.C. §103(a), Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

transmitting, from the terminal unit, a first request signal to a page data providing apparatus for requesting first page data;

receiving, at the terminal unit, notification page data from the page data providing apparatus prior to receiving the first page data when the page data providing apparatus determines that the notification page data is stored on a predetermined memory location on the page data providing apparatus, the notification page data providing predetermined notification information related to the first page data; and

receiving, at the terminal unit, the first page data from the page data providing apparatus without receiving notification page data when the page data providing apparatus determines that notification page data is not stored in the predetermined memory location on the page data providing apparatus.

Applicants submit that Araki and Inohara fail to disclose or suggest these features of amended Claim 1.

Araki is directed to a method of restricting a client to refer to data of a web server by using a web browser. Fig. 1 of Araki shows a client-server system including a client 1, network 2, and server 3. Fig. 2 shows a processing sequence between the client 1 and the server 3. First, the client acquires a page descriptive file 6 from the server 3 (S1 and S2). The page descriptive file has a confirmation button for which the user of the client can confirm that he or she will receive a service for obtaining pages under a reference restriction (see col. 6, lines 15-22). The server then sends a character sequence (password, random number, etc.) to the client (see col. 6, lines 26-38). The client can then send a page-acquisition request using the password to the server. The server confirms the password and sends the first page to the client, which was rewritten to refer to symbolic links 20. The symbolic links 20 indicate substantial contents of a page descriptive file and a relevant data file 7.

It appears that the Office Action interprets that the first page sent to the client in Araki as the previously claimed “first page data” of Claim 1. However, Araki describes sending a restricted web page to a user which has symbolic links for data in it, when the user successfully transmits a password to the server. Araki does not describe the server sending a notification page to the user *when the notification page is stored in a predetermined memory location of the server*, and sending the requested web page to the user when the notification page is not stored in the predetermined memory location.

Therefore, Applicants submit that Araki fails to disclose or suggest “receiving, at the terminal unit, notification page data from the page data providing apparatus prior to receiving the first page data when the page data providing apparatus determines that the notification page data is stored on a predetermined memory location on the page data providing

apparatus, the notification page data providing predetermined notification information related to the first page data,” and “receiving, at the terminal unit, the first page data from the page data providing apparatus without receiving notification page data when the page data providing apparatus determines that notification page data is not stored in the predetermined memory location on the page data providing apparatus,” as defined by amended Claim 1.

Inohara is directed to method of managing distributed servers. Fig. 1 of Inohara shows a client 11 connected to a server 10, which is connected to an external server 13 via a network 12. The server 10 acts a cache for information in the external server 13 which has recently been utilized by the client and for which utilization by the client is expected in the future (see col. 5, lines 41-46). The server 10 has a server management section 102 which makes up a list of other servers (10', 10'', etc.) to manage operating conditions of these servers (see col. 6, lines 54-56). For instance, the server 10 is described as having a server status table 109 which holds operating conditions of other servers, such as throughput or latency of a communication line leading to that server, or whether the server is not under operation (see col. 7, lines 35-45). Inohara describes a method of propagating such server statuses among a group of cache servers which have an established hierarchy (see for example, col. 9, lines 11-15; and col. 14, lines 21-40).

The Office Action appears to take the position that Inohara discloses a terminal “receiving said second page data, after the reception of said notification page data according to said second request signal.”

However, as discussed above, Inohara describes distributing the operating status of a group of cache servers amongst each other, but never describes a server sending a notification page related to a requested web page to a client *based on whether the notification page is stored in a predetermined memory location of the server.*

Therefore, Applicants respectfully submit that Inohara fails to disclose or suggest “receiving, at the terminal unit, notification page data from the page data providing apparatus prior to receiving the first page data when the page data providing apparatus determines that the notification page data is stored on a predetermined memory location on the page data providing apparatus, the notification page data providing predetermined notification information related to the first page data,” and “receiving, at the terminal unit, the first page data from the page data providing apparatus without receiving notification page data when the page data providing apparatus determines that notification page data is not stored in the predetermined memory location on the page data providing apparatus,” as defined by amended Claim 1.

Therefore, Applicants respectfully submit that Inohara fails to remedy the deficiencies of Araki with regard to amended Claim 1. Thus, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Araki and Inohara, either alone or in proper combination.

Amended independent Claims 12, 23, 30, and 41 recite features similar to those of amended Claim 1 discussed above. Thus, Applicants respectfully submit that amended Claims 12, 23, 30, and 41 (and all associated dependent claims) patentably distinguish over Araki and Inohara, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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